

Remarks

Claims 1-14 are pending. Claims 1 and 5 are amended without prejudice or disclaimer.

Claims 1-14 are rejected under 35 USC §103(a) as unpatentable over Sakazume in view of Mazza. The rejection states that Sakazume discloses a method and apparatus for separating magnetic particles with immunocomplexes bound on them, manipulation of the particles by magnetic field, agitation of the solution, and a nozzle to remove unnecessary liquids. The rejection concedes that Sakazume does not teach air bubbles, but relies on combination with Mazza's teaching of mixing a solution with an air jet supplied by a nozzle and application of a seal.

The Applicants note with appreciation the Examiner Interview on February 9, 2011 between the Examiner and Applicants' representative, Lisa Lint. Proposed amendments to Claims 1 and 5 to recite stirring of the solution while sealed were discussed. Amendments to the claims to specify a "stirring step" were also discussed.

As discussed in the Examiner Interview, the Applicants amend Claims 1 and 5 to recite "adding fine particles or air bubbles," "sealing the fine particles or air bubbles in the solution" and "stirring the solution by moving the fine particles or air bubbles sealed in the solution." Neither Sakazume nor Mazza teaches stirring a solution by moving fine particles or air bubbles that are sealed in solution. Sakazume is silent with respect to sealing the solution and Mazza teaches sealing the solution for the purpose of disposal and only after mixing the solution by air jet. Furthermore, the Applicants respectfully submit that one skilled in the art would not be motivated to modify Sakazume and Mazza into a method of stirring a sealed solution with air bubbles because Mazza's air jet nozzle cannot be used with a sealed solution.

Additionally, neither Sakazume nor Mazza teaches a method of mixing a solution with fine particles or air bubbles in such a way that they do not come into contact with selective binding substances immobilized on a carrier. Indeed, one skilled in the art in view of Sakazume and Mazza would not be motivated to modify the documents because neither document recognizes the need or offers a solution to avoid contact with immobilized selective binding substances.

Accordingly, the combination of Sakazume and Mazza does not result in the subject matter of Claims 1-14. Reconsideration and withdrawal of the rejection under 35 USC §103(a) is respectfully requested.

In light of the foregoing, the Applicants respectfully submit that the entire application is now in condition for allowance, which is respectfully requested.

Respectfully submitted,



T. Daniel Christenbury
Reg. No. 31,750
Attorney for Applicants

TDC/vbm
(215) 656-3381